



Criminal Justice and Public Order Act 1994

1994 CHAPTER 33

PART III

COURSE OF JUSTICE: EVIDENCE, PROCEDURE, ETC.

Procedure, jurisdiction and powers of magistrates' courts

44 Transfer for trial instead of committal proceedings

- (1) The functions of a magistrates' court as examining justices are hereby abolished.
- (2) The provisions set out in Part I of Schedule 4 to this Act as sections 4 to 8C of the Magistrates' Courts Act 1980 shall be substituted for sections 4 to 8 of that Act (which provide for the functions of magistrates' courts as examining justices).
- (3) The amendments specified in Part II of that Schedule shall also have effect.
- (4) Subsections (1) and (2) above do not apply in relation to proceedings in which a magistrates' court has begun to inquire into a case as examining justices before the commencement of this section.

45 Extension of procedures enabling magistrates' courts to deal with cases in which accused pleads guilty

The amendments to the Magistrates' Courts Act 1980 specified in Schedule 5 (being amendments designed principally to extend the procedures applicable in magistrates' courts when the accused pleads guilty) shall have effect.

46 Criminal damage, etc. as summary offence: relevant sum

- (1) In subsection (1) of section 22 of the Magistrates' Courts Act 1980 (under which, where an offence of or related to criminal damage or, in certain circumstances, an

Status: This is the original version (as it was originally enacted).

offence of aggravated vehicle-taking, is charged and it appears clear to the magistrates' court that the value involved does not exceed the relevant sum, the court is to proceed as if the offence were triable only summarily) in the second paragraph (which states the relevant sum), for “£2,000” there shall be substituted “£5,000”.

- (2) Subsection (1) above does not apply to an offence charged in respect of an act done before this section comes into force.

47 Recovery of fines, etc. by deduction from income support

- (1) In section 89 of the Magistrates' Courts Act 1980 (which gives a magistrates' court power to make a transfer of fine order), after subsection (2) there shall be inserted the following subsection—

“(2A) The functions of the court to which subsection (2) above relates shall be deemed to include the court’s power to apply to the Secretary of State under any regulations made by him under section 24(1)(a) of the Criminal Justice Act 1991 (power to deduct fines etc. from income support).”.

- (2) In section 90 of the Magistrates' Courts Act 1980 (which gives a magistrates' court power to transfer a fine to Scotland), after subsection (3) there shall be inserted the following subsection—

“(3A) The functions of the court which shall cease to be exercisable by virtue of subsection (3) above shall be deemed to include the court’s power to apply to the Secretary of State under regulations made by him under section 24(1)(a) of the Criminal Justice Act 1991 (power to deduct fines from income support).”.

- (3) In section 24(3) of the Criminal Justice Act 1991 (which relates to the Secretary of State’s power to authorise deduction of fines etc. from income support), after paragraph (b) there shall be inserted the following paragraph—

“(c) the reference in paragraph (a) to “the court” includes a reference to a court to which the function in that paragraph has been transferred by virtue of a transfer of fine order under section 89(1) or (3) or 90(1) (a) of the 1980 Act (power of magistrates' court to make transfer of fine order) or under section 403(1)(a) or (b) of the Criminal Procedure (Scotland) Act 1975 (analogous provision as respects Scotland) and a reference to a court to which that function has been remitted by virtue of section 196(2) of the said Act of 1975 (enforcement of fine imposed by High Court of Justiciary).”.

- (4) In section 403 of the Criminal Procedure (Scotland) Act 1975 (which gives a court of summary jurisdiction in Scotland power to make a transfer of fine order), after subsection (4) there shall be inserted the following subsection—

“(4A) The functions of the court to which subsection (4) above relates shall be deemed to include the court’s power to apply to the Secretary of State under any regulations made by him under section 24(1)(a) of the Criminal Justice Act 1991 (power to deduct fines etc. from income support).”.